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Guy R. Gosnell, Esq.
Alston & Bird, LLP
Bank of America Plaza
101 South Tryon Street, Suite 4000
Charlotte, NC 28280-4000

MAILED

MAY 28 2003

Office of the Director
Group 3600

In re application of
James B. Poage et al.
Application No. 09/385,414
Filed: August 30, 1999
For: APPARATUS AND METHOD FOR
CREATING A MARKETING
INITIATIVE

DECISION ON REQUEST
FOR WITHDRAWAL OF
ATTORNEY

This is a decision on the renewed request filed on March 12, 2003, under 37 CFR 1.36 and MPEP 402.06, requesting permission to withdraw as the attorney of record in the above-identified application.

The request is **NOT APPROVED** as **MOOT**.

Under 37 CFR 1.36 an attorney may withdraw only upon application to and approval by the Commissioner. It should be noted that a withdrawal is effective when approved, not when filed. Besides giving due notice to his or her client and delivering to the client all papers and property to which the client is entitled as specified under 37 CFR 10.40, approval of such a request requires that the following conditions be met:

- A) Each attorney of record must sign the notice of withdrawal, or the notice must contain a clear indication of one attorney signing on behalf of another, because the Office does not recognize law firms;
- B) A proper reason for the withdrawal as enumerated in 37 CFR 10.40(b) or subsection (1)-(6) of 37 CFR 10.40(c) must be provided; and
- C) If withdrawal is requested in accordance with 37 CFR 10.40(c) above, there must be at least 30 days between approval of the withdrawal and the later of the expiration date of a time period for reply or the expiration date of the period which can be obtained by a petition and fee for extension of time under 37 CFR 1.136(a).

The request to withdraw as attorney in the above-identified application is not approved as moot because the Request for Withdrawal as Attorney filed January 15, 2003 was approved and a notice to that effect was mailed February 6, 2003.



Randolph A. Reese
Special Programs Examiner
Patent Technology Center 3600
(703) 308-2121
Facsimile No.: (703) 605-0586

RAR/tpl: 3/28/03

cc: Finnegan, Henderson, Farabow, Garrett & Dunner, LLP
1300 I Street NW
Washington, D.C. 20005-3315